

SUI KEN FONG AND SUI TUNG FONG

JUNE 26, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 417]

The Committee on the Judiciary, to whom was referred the bill (S. 417) for the relief of Sui Ken Fong and Sui Tung Fong, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The sole purpose of the bill is to provide for the admission into the United States of two minor Chinese children who have been adopted by Soo Wing Fong, a citizen of the United States. The beneficiaries of the bill would be considered to be nonquota immigrants which is the status normally enjoyed by the alien minor children of United States citizens.

GENERAL INFORMATION

The beneficiaries of the bill were born in China on July 1, 1935, and February 2, 1933, respectively. After the death of their parents they were adopted according to Chinese custom, by Mrs. Soo Wing Fong, who has been admitted to the United States for permanent residence as the wife of a United States citizen. A formal adoption petition has been filed by Mr. Soo Wing Fong in the county court, Milwaukee, Wis.

A letter dated November 13, 1950, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to S. 3869, which was a bill introduced in the Eighty-first Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF JUSTICE,
Washington, November 18, 1950.

HON. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3869) for the relief of Sui Ken Fong and Sui Tung Fong.

The bill would provide that the provisions of section 4 (a) of the Immigration Act of 1924, as amended, pertaining to unmarried children under 21 years of age of a citizen of the United States, shall be held to be applicable to Sui Ken Fong and Sui Tung Fong, and that they shall each be considered to be the alien natural-born children of Soo Wing Fong, a United States citizen.

The files of the Immigration and Naturalization Service of this Department disclose that Sui Ken Fong and Sui Tung Fong are natives and citizens of China, of the Chinese race, and that they were born in Onylea Village, Kwangtung Province, on July 1, 1935, and February 2, 1933, respectively. They were adopted according to Chinese custom in 1943 by Mrs. Soo Wing Fong after the death of their parents, without the knowledge of her husband, who was at that time residing in the United States. After their adoption the two boys resided with their adoptive mother prior to her admission to the United States on June 14, 1948, as a nonquota immigrant, the alien wife of a United States citizen. She stated that she and Mr. Fong were married on April 1, 1937, in China. Mr. Fong stated that, though he had not known of Mrs. Fong's intention to adopt the children, he is in complete accord with the proceeding and that when his wife apprised him of the alleged adoption he increased her allowance. After she came to this country they filed on June 5, 1950, an adoption order and notice of hearing in the Milwaukee County Court, Milwaukee, Wis., which it appears cannot be considered prior to January or February of 1951, the contemplated time for completion of the investigation of adoption cases by the Wisconsin Department of Public Welfare and the adoption division of the court.

Mr. Fong, the alleged adoptive father, stated that he was a friend of the children's natural father, and that he had unsuccessfully attempted to obtain visas for them and had paid for their transportation to this country at the same time he had paid for his wife's. He further stated that it is his desire that they shall share in his home exactly the same as his blood children.

The two alien boys are chargeable to the quota for Chinese persons, which is oversubscribed, and immigration visas are not readily obtainable. Alien Chinese natural children of United States citizens are precluded from obtaining a nonquota status by the provisions of the act of December 17, 1943, as amended by the act of August 9, 1946. The record in the instant case presents no justification for granting these aliens a preference over such natural alien children of United States citizens by the enactment of special legislation exempting them from the quota requirements of the immigration laws.

Accordingly, the Department of Justice is unable to recommend enactment of this bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Alexander Wiley has submitted the following information with reference to the beneficiaries of the bill:

MILWAUKEE 2, WIS., June 30, 1950.

Re two adopted children of Mr. and Mrs. Fong.

Senator ALEXANDER WILEY,
Senate Office Building, Washington, D. C.

DEAR SENATOR WILEY: This is an earnest request for private legislation by Congress to enable the two above orphaned children, aged 15 and 16, now in the vicinity of Hong Kong, to come into the United States under the provisions of section 4 (a) (of Immigration Act of 1924 as amended). A draft provision of the facts in this case required for such a private bill is attached.

This application is being made on behalf of Mr. S. W. Fong, of Milwaukee, who is an American citizen. The father of these two orphans was also an American citizen and lived at Milwaukee until 1940 and died in China in 1941, being beheaded by the Japanese while being helpful to his family and to Mr. Fong's

family, then in China during the Japanese military operations there before Pearl Harbor.

In August 1947 in the above matter, written application had been made on behalf of Mr. S. W. Fong, an American citizen living at Milwaukee, to the central office of the Immigration Service then at Philadelphia for immigration visas for the above adopted children of an American citizen, in addition to immigration visas for his alien wife and his two blood children who were American citizens.

In September 1947 reports on these applications of the Immigration Service were forwarded by them in regular course to the Visa Division of the State Department at Washington for transmission to the American consul at Canton, China.

Between September 1947 and November 1947 and subsequently to June 1948, Mr. Fong personally appeared at the American consulate in Canton, China, with the two above adopted orphans who have the general character of displaced persons because their parents had died in 1941 in connection with the Japanese occupation of China in the area of Canton in Kwangtung Province. Mr. Fong and his wife had the loco parentis "responsibility" toward these orphans because Mr. Goon, the father of these two adopted children, had left Milwaukee in 1940 where he had been associated in business with Mr. Fong, to go to China to look after not only his own family but Mr. Fong's family as well at a "free" inland village at a time of the Japanese occupation of the coast area of China after they had seized the local areas of Hong Kong and Canton.

After Mr. Goon was beheaded by the Japanese military, his wife died of heart-break and Mrs. Fong then took these two orphans into her household and cared for them until she left for the United States in June 1948, on her own visa as Mr. Fong's wife.

In October 1949, Mr. Fong's two United States citizen sons came to the United States via Northwest Airlines from Hong Kong. The family now lives at Milwaukee where Mr. Fong has both a restaurant and a home.

The two orphans referred to are being maintained in China in the vicinity of Hong Kong by Mr. and Mrs. Fong by remittances from Milwaukee.

When the Japanese occupied the village in which Mrs. Fong and these children lived in the interior of China during the war, Mrs. Fong fled to the hills with the children of Mr. Fong and herself and took these two orphans along and kept them all alive and fed during the trying war days of Japanese occupation of South China.

It appears that in the present civil war in China that the civil authorities in the village, district, and province and of the Central Government with whom Mr. Fong dealt when he was in China in 1947 and 1948 have fled for their personal safety and have been replaced by representatives sponsored by the present dominant civil war government and army. This civil government turn-over is complete in the area where these orphans were raised from 1941 to 1948 by Mrs. Fong.

Because of the American-citizen connection of these two orphans and the American relationship and because of the strong-arm direct action (capital levy) manner of raising taxes (so-called) by local military in this area in China, Mr. Fong fears that in addition to their lives being endangered by possible starvation, that they might be impressed into communistic labor or army battalions being levied on orphans and on children above 16 years, and on families who don't pay cash levies to the local military tax collectors, so-called, and that with the critical financial condition and direct method of raising local levies, that they might become hostages of the present local military dictators in the area, as their father was of the Japanese military occupation. The press reports this area is being recanvassed and also recanvassed for more money, food, and labor battalions to be sent to Russian-dominated Manchuria.

These children's father lost his life by being beheaded by his Japanese captors when Mr. Fong and his associates at Milwaukee did not respond to a \$2,500 ransom demand in proffered exchange for the life of Mr. Goon when he was taken into custody by the Japanese military in 1941 after the Japanese military found out that Mr. Goon had American connections and a possible source of ransom payment.

While Mr. Fong and his associates at Milwaukee were trying to raise the ransom money a letter was received by Mr. Fong that the obvious delay of Mr. Fong in remitting the \$2,500 ransom indicated that the ransom might not be forthcoming and that they had therefore beheaded Mr. Goon. I saw these letters. These orphans' mother became heartbroken in her bereavement and shortly died after her husband, thus leaving these two children orphans. They both were then adopted by Mr. and Mrs. Fong and given life-saving sustenance and care at times when the neighbors roundabout were dying like flies from starvation and

from the effect of the Japanese occupation during World War II and the maladjustment period afterward.

Mrs. Fong, by virtue of her indomitable spirit, and such funds as she received from her husband at Milwaukee, and her interest in keeping alive her neighbors in addition to these two children and her own children, accomplished their survival where they otherwise might have died as many others did during the convulsed period of Japanese conquest in China in World War II.

Mrs. Fong also had relatives in the United States Armed Forces in World War II for whose cause she kept the faith in China in the above matters as well as in other respects as a pro-American partisan.

Mr. and Mrs. Fong at Milwaukee have filed regular legal adoption proceedings to adopt each of these two orphans to whom they stand in loco parentis. An authenticated copy of each petition is attached showing a picture of each of these orphans. The court has heard a preliminary statement of facts in each case and has acknowledged jurisdiction and has indicated favorable final action in due course.

For the reasons given we earnestly solicit the support of yourself and of the Congress and the committees and departments concerned for this proposal which I strongly feel will be in the American interest.

Yours very truly,

H. WILLIAM IHRIG,
Attorney for Mr. and Mrs. S. W. Fong.

N. B.—If I can be helpful to anyone to whose attention this matter might come, I will be glad to personally present the corroboration of the facts herein presented.

H. W. I.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 417) should be enacted.

